

REMARKS

Arguments

The reply filed on January 25, 2005 was considered to be non-responsive and the claims submitted were not entered. During a telephone interview with the examiner, the examiner indicated that the omission of the structure previously found in the claims resulted in the claim covering more molecules than would be encompassed by the original structure, and indicated that the claims should be submitted as amended versions of previously pending claims. The amendments submitted above are believed to meet this requirement. Applicant respectfully requests entry of the amended claims and allowance of all of the pending claims.

The claims do not add new matter. The method for producing platform molecules is described at pp. 11-16 and 16-21 of the application. The method specific to claims 105-160 is described at page 16-21 of the specification. The method of claims 161-180 is described at pages 11-16 and 20-21. The method for producing randomly substituted mesogens is at pp. 20-21 of the specification.

Objection to claim 137

The examiner objected to claim 137 as in improper dependent form. Claim 137 has been canceled.

Double Patenting

The examiner contended that claims 105-141 conflicted with the claims to monomers allowed in U.S. Application No. 10/056,121. Applicant notes that U.S. Patent

Applicant No. 10/056,121 has not yet issued, and in any event was filed on the same day as the present applicaiton.

U.S. Patent Application Serial No. 10/056,121 should not be cited as a reference against the present application. The applications were filed separately in order to obtain claims to the mesogens (in 10/056,121), and to obtain claims to novel methods for making/producing blends of the mesogens (in the present case). A separate application was necessary because "the product as claimed [in U.S. Applicant No. 10/056,121] can be made by another materially different process." MPEP 806.05(f).

Applicant respectfully requests that the double patenting rejection be withdrawn with respect to new claims 105-18, as amended. If a terminal disclaimer is deemed to be required, Applicant will submit any necessary terminal disclaimer upon indication of allowable subject matter.


Substantive rejections

Applicant respectfully requests that the rejections over the references be withdrawn. The examiner has not pointed to a teaching in any of the cited references of each and every method limitation of amended claims. The examiner has not pointed to a teaching in the cited reference(s) of: (1) the suggestion of the claimed method, or (2) the expectation of its success. *In re Vaeck*, 20 U.S.P.Q.2d at 1442. Nor has the examiner pointed to a teaching or suggestion the cited reference(s) that it would be desirable to make the modifications that would be required to result in the claimed method. *In re Brouwer*, 37 U.S.P.Q.2d 1663, 1666 (Fed. Cir. 1995).

CONCLUSION

The Commissioner is hereby authorized to charge any fees in connection with this response, or to credit any overpayment, to Deposit Account No. 50-0997 (SwRI-2835-03) maintained by Paula D. Morris & Associates, P.C.

Respectfully submitted,



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